

1                                   A bill to be entitled  
2           An act relating to the Florida Building Code;  
3           amending s. 161.56, F.S.; making a technical  
4           correction; amending s. 468.607, F.S.;  
5           providing for continuing validation of  
6           certifications of certain building inspectors  
7           and plans examiners for a certain period of  
8           time; amending s. 468.609, F.S.; clarifying the  
9           qualifications of persons eligible to take the  
10          certain certification examinations; amending s.  
11          468.617, F.S.; providing nothing prohibits  
12          school boards, community colleges, or  
13          universities from entering into contracts;  
14          amending ss. 489.115, 497.255, 553.06, 553.73,  
15          553.74, 553.141, 553.503, 553.506, 553.512,  
16          F.S.; changing references from the Board of  
17          Building Codes and Standards to the Florida  
18          Building Commission; amending s. 62 of ch.  
19          98-287, Laws of Florida; recognizing that the  
20          rule adopting the Florida Building Code may not  
21          become final by the 2000 Legislative Session if  
22          challenged pursuant to s. 120.56(2), F.S.;  
23          specifying effectiveness; amending s. 553.73,  
24          F.S.; clarifying the effect on local  
25          governments of adopting and updating the  
26          Florida Building Code; specifying that  
27          amendments to certain standards or criteria are  
28          effective statewide only upon adoption by the  
29          commission; prohibiting persons who participate  
30          in the passage of a local amendment from  
31          sitting on a countywide compliance review

1 board; providing for application of a certain  
2 edition of the Florida Building Code under  
3 certain circumstances; revising requirements  
4 for the adoption of technical amendments;  
5 amending s. 553.77, F.S.; revising the powers  
6 of the commission; correcting a  
7 cross-reference; amending s. 553.781, F.S.;  
8 clarifying that the Department of Business and  
9 Professional Regulation conduct disciplinary  
10 investigations and take disciplinary actions;  
11 amending s. 553.80, F.S.; deleting a  
12 cross-reference; amending s. 553.842, F.S.;  
13 amending certain provisions relating to product  
14 evaluation and approval; amending ss. 633.01,  
15 633.0215, 633.025, F.S.; replacing references  
16 to the Department of Insurance with references  
17 to the State Fire Marshal; amending s. 633.025,  
18 F.S.; clarifying certain provisions relating to  
19 smoke detector requirements in residential  
20 buildings; amending s. 68 of ch. 98-287, Laws  
21 of Florida, to revise a future repeal of  
22 certain sections of the Florida Statutes;  
23 repealing s. 471.017(3), 489.513(7), F.S.;  
24 eliminating a continuing education requirement  
25 for engineers and provisions that relieve the  
26 department of responsibility for disciplining  
27 contractors; amending s. 553.841, F.S.; adding  
28 the Building Officials Association of Florida,  
29 and the State Fire Marshal to the group  
30 responsible for developing the Building Code  
31 Training Program; amending s. 553.19, F.S.;

1 providing for certain rules of the Agency for  
2 Health Care Administration to be adopted as  
3 standards for electrical and alarm systems;  
4 authorizing the continuation of the select  
5 committee to investigate and establish certain  
6 firesafety evaluation system criteria;  
7 providing an appropriation; providing  
8 responsibilities of the Division of State Fire  
9 Marshal; providing effective dates.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (1) of section 161.56, Florida  
14 Statutes, 1998 Supplement, is amended to read:

15 161.56 Establishment of local enforcement.--

16 (1) Each local government which is required by s.  
17 553.73 to adopt a building code ~~by s. 553.73~~ and which has a  
18 coastal building zone or some portion of a coastal zone within  
19 its territorial boundaries shall adopt, not later than January  
20 1, 1987, as part of its building code, the requirements  
21 established in s. 161.55, and such requirements shall be  
22 enforced by the local enforcement agency as defined in s.  
23 553.71.

24 Section 2. Effective January 1, 2001, subsection (1)  
25 of section 161.56, Florida Statutes, 1998 Supplement, as  
26 amended by section 3 of chapter 98-287, Laws of Florida, is  
27 amended to read:

28 161.56 Establishment of local enforcement.--

29 (1) Each local government which is required by s.  
30 553.73 to enforce the Florida Building Code ~~by s. 553.73~~ and  
31 which has a coastal building zone or some portion of a coastal

1 zone within its territorial boundaries shall enforce the  
2 requirements of the code established in s. 161.55.

3 Section 3. Section 468.607, Florida Statutes, is  
4 amended to read:

5 468.607 Certification of building code administration  
6 and inspection personnel.--The board shall issue a certificate  
7 to any individual whom the board determines to be qualified,  
8 within such class and level as provided in this part and with  
9 such limitations as the board may place upon it. No person  
10 may be employed by a state agency or local governmental  
11 authority to perform the duties of a building code  
12 administrator, plans examiner, or inspector after October 1,  
13 1993, without possessing the proper valid certificate issued  
14 in accordance with the provisions of this part. Persons acting  
15 as inspectors and plans examiners pursuant to s. 235.26 while  
16 conducting activities authorized by certification under that  
17 section shall be deemed certified to continue inspections for  
18 the local government until their Uniform Building Code  
19 Inspector certification expires, after which time they must  
20 possess the proper valid certificate issued in accordance with  
21 the provisions of this part.

22 Section 4. Subsections (2) and (3) of section 468.609,  
23 Florida Statutes, 1998 Supplement, are amended to read:

24 468.609 Administration of this part; standards for  
25 certification; additional categories of certification.--

26 (2) A person shall be entitled to take the examination  
27 for certification as an inspector or plans examiner pursuant  
28 to this part if the person:

29 (a) Is at least 18 years of age.~~+~~

30 (b) Is of good moral character.~~+~~ ~~and~~

31

1 (c) Meets eligibility requirements according to one of  
2 the following criteria:

3 1. Demonstrates 5 years' combined experience in the  
4 field of construction or related field inspection, or plans  
5 review corresponding to the certification category sought;

6 2. Demonstrates a combination of postsecondary  
7 education in the field of construction or related field and  
8 experience which totals 4 years, with at least 1 year of such  
9 total being experience in construction, building inspection,  
10 or plans review; or

11 3. Currently holds a standard certificate as issued by  
12 the board and satisfactorily completes an inspector or plans  
13 examiner training program of not less than 200 hours in the  
14 certification category sought. The board shall establish by  
15 rule criteria for the development and implementation of the  
16 training programs.

17 (d) Once the Building Code Training Program has been  
18 established pursuant to s. 553.841, demonstrates successful  
19 completion of the core curriculum ~~and specialized or advanced~~  
20 ~~module coursework~~ approved by the Florida Building Commission,  
21 ~~as part of the Building Code Training Program established~~  
22 ~~pursuant to s. 553.841,~~ appropriate to the licensing category  
23 sought ~~or, pursuant to authorization by the certifying~~  
24 ~~authority, provides proof of completion of such curriculum or~~  
25 ~~coursework within 6 months after such certification.~~

26 (3) A person shall be entitled to take the examination  
27 for certification as a building code administrator pursuant to  
28 this part if the person:

29 (a) Is at least 18 years of age, +

30 (b) Is of good moral character, + ~~and~~

31

1 (c) Meets eligibility requirements according to one of  
2 the following criteria:

3 1. Demonstrates 10 years' combined experience as an  
4 architect, engineer, plans examiner, building code inspector,  
5 registered or certified contractor, or construction  
6 superintendent, with at least 5 years of such experience in  
7 supervisory positions; or

8 2. Demonstrates a combination of postsecondary  
9 education in the field of construction or related field, no  
10 more than 5 years of which may be applied, and experience as  
11 an architect, engineer, plans examiner, building code  
12 inspector, registered or certified contractor, or construction  
13 superintendent which totals 10 years, with at least 5 years of  
14 such total being experience in supervisory positions.

15 (d) Once the Building Code Training Program has been  
16 established pursuant to s. 553.841, demonstrates successful  
17 completion of the core curriculum ~~and specialized or advanced~~  
18 ~~module coursework~~ approved by the Florida Building Commission,  
19 ~~as part of the Building Code Training Program established~~  
20 ~~pursuant to s. 553.841,~~ appropriate to the licensing category  
21 sought or, ~~pursuant to authorization by the certifying~~  
22 ~~authority, provides proof of completion of such curriculum or~~  
23 ~~coursework within 6 months after such certification.~~

24 Section 5. Section 468.617, Florida Statutes, 1998  
25 Supplement, is amended to read:

26 468.617 Joint inspection department; other  
27 arrangements.--

28 (1) Nothing in this part shall prohibit any local  
29 jurisdiction school board, community college board, or state  
30 university from entering into and carrying out contracts with  
31 any other local jurisdiction or educational board under which

1 the parties agree to create and support a joint inspection  
2 department for conforming to the provisions of this part. In  
3 lieu of a joint inspection department, any local jurisdiction  
4 may designate an inspector from another local jurisdiction to  
5 serve as an inspector for the purposes of this part.

6 (2) Nothing in this part shall prohibit local  
7 governments, school boards, community college boards, or state  
8 universities from contracting with persons certified pursuant  
9 to this part to perform inspections or plan reviews. An  
10 individual or entity may not inspect or examine plans on  
11 projects in which the individual or entity designed or  
12 permitted the projects.

13 (3) Nothing in this part shall prohibit any county or  
14 municipal government, school board, community college board,  
15 or state university from entering into any contract with any  
16 person or entity for the provision of services regulated under  
17 this part, and notwithstanding any other statutory provision,  
18 such county or municipal governments may enter into contracts.

19 Section 6. Subsection (4) of section 489.115, Florida  
20 Statutes, 1998 Supplement, is amended to read:

21 489.115 Certification and registration; endorsement;  
22 reciprocity; renewals; continuing education.--

23 (4)(a) Each certificateholder or registrant who  
24 desires to continue as a certificateholder or registrant shall  
25 renew the certificate or registration every 2 years. The  
26 department shall mail each certificateholder and registrant an  
27 application for renewal.

28 (b)1. Each certificateholder or registrant shall  
29 provide proof, in a form established by rule of the board,  
30 that the certificateholder or registrant has completed at  
31 least 14 classroom hours of at least 50 minutes each of

1 continuing education courses during each biennium since the  
2 issuance or renewal of the certificate or registration. The  
3 board shall establish by rule that a portion of the required  
4 14 hours must deal with the subject of workers' compensation,  
5 business practices, and workplace safety. The board shall by  
6 rule establish criteria for the approval of continuing  
7 education courses and providers, including requirements  
8 relating to the content of courses and standards for approval  
9 of providers, and may by rule establish criteria for accepting  
10 alternative nonclassroom continuing education on an  
11 hour-for-hour basis. The board shall prescribe by rule the  
12 continuing education, if any, which is required during the  
13 first biennium of initial licensure. A person who has been  
14 licensed for less than an entire biennium must not be required  
15 to complete the full 14 hours of continuing education.

16         2. In addition, the board may approve specialized  
17 continuing education courses on compliance with the wind  
18 resistance provisions for one and two family dwellings  
19 contained in the State Minimum Building Codes and any  
20 alternate methodologies for providing such wind resistance  
21 which have been approved for use by the Florida Board of  
22 Building ~~Commission~~ Codes and Standards. Division I  
23 certificateholders or registrants who demonstrate proficiency  
24 upon completion of such specialized courses may certify plans  
25 and specifications for one and two family dwellings to be in  
26 compliance with the code or alternate methodologies, as  
27 appropriate, except for dwellings located in floodways or  
28 coastal hazard areas as defined in ss. 60.3D and E of the  
29 National Flood Insurance Program.

30         3. Each certificateholder or registrant shall provide  
31 to the board proof of completion of the core curriculum



1 courses, or passing the equivalency test of the Building Code  
2 Training Program established under s. 553.841, specific to the  
3 licensing category sought, within 2 years after commencement  
4 of the program or of initial certification or registration,  
5 whichever is later. Classroom hours spent taking core  
6 curriculum courses shall count toward the number required for  
7 renewal of certificates or registration. A certificateholder  
8 or registrant who passes the equivalency test in lieu of  
9 taking the core curriculum courses shall receive full credit  
10 for core curriculum course hours.

11 (c) The certificateholder or registrant shall  
12 complete, sign, and forward the renewal application to the  
13 department, together with the appropriate fee. Upon receipt of  
14 the application and fee, the department shall renew the  
15 certificate or registration.

16 Section 7. Section 497.255, Florida Statutes, 1998  
17 Supplement, is amended to read:

18 497.255 Standards for construction and significant  
19 alteration or renovation of mausoleums and columbaria.--

20 (1) All newly constructed and significantly altered or  
21 renovated mausoleums and columbaria must, in addition to  
22 complying with applicable building codes, conform to the  
23 standards adopted under this section.

24 (2) The board shall adopt, by no later than July 1,  
25 1999, rules establishing minimum standards for all newly  
26 constructed and significantly altered or renovated mausoleums  
27 and columbaria; however, in the case of significant  
28 alterations or renovations to existing structures, the rules  
29 shall apply only, when physically feasible, to the newly  
30 altered or renovated portion of such structures, except as  
31 specified in subsection (4). In developing and promulgating

1 said rules, the board may define different classes of  
2 structures or construction standards, and may provide for  
3 different rules to apply to each of said classes, if the  
4 designation of classes and the application of different rules  
5 is in the public interest and is supported by findings by the  
6 board based on evidence of industry practices, economic and  
7 physical feasibility, location, or intended uses; provided,  
8 that the rules shall provide minimum standards applicable to  
9 all construction. For example, and without limiting the  
10 generality of the foregoing, the board may determine that a  
11 small single-story ground level mausoleum does not require the  
12 same level of construction standards that a large multistory  
13 mausoleum might require; or that a mausoleum located in a  
14 low-lying area subject to frequent flooding or hurricane  
15 threats might require different standards than one located on  
16 high ground in an area not subject to frequent severe weather  
17 threats. The board shall develop the rules in cooperation  
18 with, and with technical assistance from, the Florida Board of  
19 Building Commission Codes and Standards of the Department of  
20 Community Affairs, to ensure that the rules are in the proper  
21 form and content to be included as part of the State Minimum  
22 Building Codes under part VII of chapter 553. If the Florida  
23 ~~Board of Building Commission Codes and Standards~~ advises that  
24 some of the standards proposed by the board are not  
25 appropriate for inclusion in such building codes, the board  
26 may choose to include those standards in a distinct chapter of  
27 its rules entitled "Non-Building-Code Standards for  
28 Mausoleums" or "Additional Standards for Mausoleums," or other  
29 terminology to that effect. If the board elects to divide the  
30 standards into two or more chapters, all such rules shall be  
31 binding on licensees and others subject to the jurisdiction of

1 the board, but only the chapter containing provisions  
2 appropriate for building codes shall be transmitted to the  
3 Florida Board of Building Commission Codes and Standards  
4 pursuant to subsection (3). Such rules may be in the form of  
5 standards for design and construction; methods, materials, and  
6 specifications for construction; or other mechanisms. Such  
7 rules shall encompass, at a minimum, the following standards:

8 (a) No structure may be built or significantly altered  
9 for use for interment, entombment, or inurnment purposes  
10 unless constructed of such material and workmanship as will  
11 ensure its durability and permanence, as well as the safety,  
12 convenience, comfort, and health of the community in which it  
13 is located, as dictated and determined at the time by modern  
14 mausoleum construction and engineering science.

15 (b) Such structure must be so arranged that the  
16 exterior of any vault, niche, or crypt may be readily examined  
17 at any time by any person authorized by law to do so.

18 (c) Such structure must contain adequate provision for  
19 drainage and ventilation.

20 (d) Such structure must be of fire-resistant  
21 construction. Notwithstanding the requirements of s. 553.895  
22 and chapter 633, any mausoleum or columbarium constructed of  
23 noncombustible materials, as defined in the Standard Building  
24 Code, shall not require a sprinkler system.

25 (e) Such structure must be resistant to hurricane and  
26 other storm damage to the highest degree provided under  
27 applicable building codes for buildings of that class.

28 (f) Suitable provisions must be made for securely and  
29 permanently sealing each crypt with durable materials after  
30 the interment or entombment of human remains, so that no  
31 effluvia or odors may escape therefrom except as provided by

1 design and sanitary engineering standards. Panels for  
2 permanent seals must be solid and constructed of materials of  
3 sufficient weight, permanence, density, imperviousness, and  
4 strength as to ensure their durability and continued  
5 functioning. Permanent crypt sealing panels must be securely  
6 installed and set in with high quality fire-resistant,  
7 resilient, and durable materials after the interment or  
8 entombment of human remains. The outer or exposed covering of  
9 each crypt must be of a durable, permanent, fire-resistant  
10 material; however, plastic, fiberglass, and wood are not  
11 acceptable materials for such outer or exposed coverings.

12 (g) Interior and exterior fastenings for hangers,  
13 clips, doors, and other objects must be of copper, copper-base  
14 alloy, aluminum, or stainless steel of adequate gauges, or  
15 other materials established by rule which provide equivalent  
16 or better strength and durability, and must be properly  
17 installed.

18 (3) The board shall transmit the rules as adopted  
19 under subsection (2), hereinafter referred to as the  
20 "mausoleum standards," to the Florida Board of Building  
21 Commission Codes and Standards, which shall initiate  
22 rulemaking under chapter 120 to consider such mausoleum  
23 standards. If such mausoleum standards are not deemed  
24 acceptable, they shall be returned by the Florida Board of  
25 Building Commission Codes and Standards to the board with  
26 details of changes needed to make them acceptable. If such  
27 mausoleum standards are acceptable, the Florida Board of  
28 Building Commission Codes and Standards shall adopt a rule  
29 designating the mausoleum standards as an approved revision to  
30 the State Minimum Building Codes under part VII of chapter  
31 553. When so designated by the Florida Board of Building

1 ~~Commission Codes and Standards~~, such mausoleum standards shall  
2 become a required element of the State Minimum Building Codes  
3 under s. 553.73(2) and shall be transmitted to each local  
4 enforcement agency, as defined in s. 553.71(5). Such local  
5 enforcement agency shall consider and inspect for compliance  
6 with such mausoleum standards as if they were part of the  
7 local building code, but shall have no continuing duty to  
8 inspect after final approval of the construction pursuant to  
9 the local building code. Any further amendments to the  
10 mausoleum standards shall be accomplished by the same  
11 procedure. Such designated mausoleum standards, as from time  
12 to time amended, shall be a part of the State Minimum Building  
13 Codes under s. 553.73 until the adoption and effective date of  
14 a new statewide uniform minimum building code, which may  
15 supersede the mausoleum standards as provided by the law  
16 enacting the new statewide uniform minimum building code.

17 (4) In addition to the rules adopted under subsection  
18 (2), the board shall adopt rules providing that following all  
19 interments, inurnments, and entombments in mausoleums and  
20 columbaria occurring after the effective date of such rules,  
21 whether newly constructed or existing, suitable provision must  
22 be made, when physically feasible, for sealing each crypt in  
23 accordance with standards promulgated pursuant to paragraph  
24 (2)(f).

25 (5) For purposes of this section, "significant  
26 alteration or renovation" means any addition, renovation, or  
27 repair which results in the creation of new crypt or niche  
28 spaces.

29 Section 8. Subsection (1) of section 553.06, Florida  
30 Statutes, 1998 Supplement, is amended to read:

31 553.06 State Plumbing Code.--

1           (1) The Florida Building Commission shall, in  
2 accordance with the provisions of chapter 120 and ss.  
3 553.70-553.895, adopt the Standard Plumbing Code, 1994  
4 edition, as adopted at the October 1993 annual meeting of the  
5 Southern Building Code Congress International, as the State  
6 Plumbing Code which shall be the minimum requirements  
7 statewide for all installations, repairs, and alterations to  
8 plumbing. The commission ~~board~~ may, in accordance with the  
9 requirements of chapter 120, adopt all or parts of updated or  
10 revised editions of the State Plumbing Code to keep abreast of  
11 latest technological advances in plumbing and installation  
12 techniques. Local governments which have adopted the South  
13 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes  
14 may continue their use provided the requirements contained  
15 therein meet or exceed the requirements of the State Plumbing  
16 Code. Provided, however, nothing in this section shall alter  
17 or diminish the authority of the Department of Business and  
18 Professional Regulation to conduct plan reviews, issue  
19 variances, and adopt rules regarding sanitary facilities in  
20 public lodging and public food service establishments pursuant  
21 to chapter 509, providing that such actions do not conflict  
22 with the requirements for public restrooms in s. 553.141.

23           Section 9. Section 62 of chapter 98-287, Laws of  
24 Florida, is amended to read:

25           Section 62. (1) Before the 2000 Regular Session of  
26 the Legislature, the Florida Building Commission shall submit  
27 to the Legislature, for review and approval or rejection, the  
28 Florida Building Code adopted by rule by the commission. If  
29 the proposed rule adopting the Florida Building Code has been  
30 challenged pursuant to section 120.56(2), Florida Statutes,  
31 the Legislature may address the subject of the challenge. The

1 commission ~~and~~ shall also prepare and submit to the  
2 Legislature a list of recommendations of revisions to the  
3 Florida Statutes necessitated by adoption of the Florida  
4 Building Code ~~if the Legislature approves the Florida Building~~  
5 ~~Code.~~

6 (2) Effective January 1, 2001, or upon the resolution  
7 of an administrative challenge to the rule adopting the  
8 Florida Building Code, pursuant to s. 120.56(2)~~approval of~~  
9 ~~the Florida Building Code by the Legislature,~~ all existing  
10 local technical amendments to any building code adopted by any  
11 local government are repealed. Each local government may  
12 readopt such amendments pursuant to s. 553.73, Florida  
13 Statutes, provided such amendments comply with applicable  
14 provisions of the Florida Building Code.

15 Section 10. Effective January 1, 2001, subsections  
16 (4), (5), and (7) of section 553.73, Florida Statutes, 1998  
17 Supplement, as amended by section 40 of chapter 98-287, Laws  
18 of Florida, as amended by section 61 of chapter 98-419, Laws  
19 of Florida, are amended to read:

20 553.73 Florida Building Code.--

21 (4)(a) Local governments shall comply with applicable  
22 standards for issuance of mandatory certificates of occupancy,  
23 minimum types of inspections, and procedures for plans review  
24 and inspections as established by the commission ~~board~~ by  
25 rule. Any amendments to standards established by the Florida  
26 Building Code pursuant to this paragraph shall be more  
27 stringent than such standards and shall be transmitted to the  
28 commission within 30 days after enactment. The local  
29 government shall make such amendments available to the general  
30 public in a usable format. The Department of Insurance is  
31 responsible for establishing the standards and procedures

1 required in this paragraph for governmental entities with  
2 respect to applying the Florida Fire Prevention Code and the  
3 Life Safety Code.

4 (b) Local governments may, subject to the limitations  
5 of this section, adopt amendments to the technical provisions  
6 of the Florida Building Code which apply solely within the  
7 jurisdiction of such government and which provide for more  
8 stringent requirements than those specified in the Florida  
9 Building Code, not more than once every 6 months, provided:

10 1. The local governing body determines, following a  
11 public hearing which has been advertised in a newspaper of  
12 general circulation at least 10 days before the hearing, that  
13 there is a need to strengthen the requirements of the Florida  
14 Building Code. The determination must be based upon a review  
15 of local conditions by the local governing body, which review  
16 demonstrates that local conditions justify more stringent  
17 requirements than those specified in the Florida Building Code  
18 for the protection of life and property.

19 2. Such additional requirements are not discriminatory  
20 against materials, products, or construction techniques of  
21 demonstrated capabilities.

22 3. Such additional requirements may not introduce a  
23 new subject not addressed in the Florida Building Code.

24 4. The enforcing agency shall make readily available,  
25 in a usable format, all amendments adopted pursuant to this  
26 section.

27 5. Any amendment to the Florida Building Code shall be  
28 transmitted within 30 days by the adopting local government to  
29 the commission. The commission shall maintain copies of all  
30 such amendments in a format that is usable and obtainable by  
31 the public.



1           6. Any amendment to the Florida Building Code adopted  
2 by a local government pursuant to this paragraph shall be  
3 effective only until the adoption by the commission of the new  
4 edition of the Florida Building Code every third year. At  
5 such time, the commission shall adopt such amendment as part  
6 of the Florida Building Code or rescind the amendment. The  
7 commission shall immediately notify the respective local  
8 government of the rescission of any amendment. After receiving  
9 such notice, the respective local government may readopt the  
10 rescinded amendment pursuant to the provisions of this  
11 paragraph.

12           7. Each county and municipality desiring to make local  
13 technical amendments to the Florida Building Code shall by  
14 interlocal agreement establish a countywide compliance review  
15 board to review any amendment to the Florida Building Code,  
16 adopted by a local government within the county pursuant to  
17 this paragraph, that is challenged by any substantially  
18 affected party for purposes of determining the amendment's  
19 compliance with this paragraph. No public officer, as defined  
20 in s. 112.313(1), who votes on a local amendment may sit on  
21 the countywide compliance review board which hears a challenge  
22 to the validity of that amendment. If the compliance review  
23 board determines such amendment is not in compliance with this  
24 paragraph, the compliance review board shall notify such local  
25 government of the noncompliance and that the amendment is  
26 invalid and unenforceable until the local government corrects  
27 the amendment to bring it into compliance. The local  
28 government may appeal the decision of the compliance review  
29 board to the commission. If the compliance review board  
30 determines such amendment to be in compliance with this  
31 paragraph, any substantially affected party may appeal such

1 determination to the commission. Actions of the commission are  
2 subject to judicial review pursuant to s. 120.68. The  
3 compliance review board shall determine whether its decisions  
4 apply to a respective local jurisdiction or apply countywide.

5 8. An amendment adopted under this paragraph shall  
6 include a fiscal impact statement which documents the costs  
7 and benefits of the proposed amendment. Criteria for the  
8 fiscal impact statement shall include the impact to local  
9 government relative to enforcement, the impact to property and  
10 building owners, as well as to industry, relative to the cost  
11 of compliance. The fiscal impact statement may not be used as  
12 a basis for challenging the amendment for compliance.

13 9. In addition to subparagraphs 7. and 8., the  
14 commission may review any amendments adopted pursuant to this  
15 subsection and make nonbinding recommendations related to  
16 compliance of such amendments with this subsection.

17 (c) Any amendment adopted by a local enforcing agency  
18 pursuant to this subsection shall not apply to state or school  
19 district owned buildings, manufactured buildings approved by  
20 the commission, or prototype buildings approved pursuant to s.  
21 553.77(6). The respective responsible entities shall consider  
22 the physical performance parameters substantiating such  
23 amendments when designing, specifying, and constructing such  
24 exempt buildings.

25 (5) The commission, by rule adopted pursuant to ss.  
26 120.536(1) and 120.54, shall update the Florida Building Code  
27 every 3 years. The initial adoption of, and any subsequent  
28 update to, the Florida Building Code by the commission is ~~once~~  
29 ~~initially adopted and subsequently updated by the board, the~~  
30 ~~Florida Building Code shall be~~ deemed adopted for use  
31 statewide without adoptions by local government. When updating

1 the Florida Building Code, the commission shall consider  
2 changes made by the adopting entity of any selected model code  
3 for any model code incorporated into the Florida Building Code  
4 by the commission, the commission's own interpretations,  
5 declaratory statements, appellate decisions, and approved  
6 statewide and local technical amendments. No change by an  
7 institute or standards organization to any standard or  
8 criterion adopted by reference in the Florida Building Code  
9 shall become effective until adopted by the commission. The  
10 edition of the Florida Building Code in effect on the date of  
11 application of any permit authorized by the code shall govern  
12 the permitted work for the life of the permit and any  
13 extension granted to such permit, except that an amendment  
14 adopted upon a finding by the commission that the amendment is  
15 necessary to protect the public from immediate threat of harm  
16 shall take effect immediately.

17 (7)(a) The commission may approve technical amendments  
18 to the Florida Building Code once each year for statewide  
19 application upon a finding ~~that delaying the application of~~  
20 ~~the amendment would be contrary to the health, safety, and~~  
21 ~~welfare of the public or the amendment provides an economic~~  
22 ~~advantage to the consumer and that the amendment:~~

- 23 1. Has a reasonable and substantial connection with  
24 the health, safety, and welfare of the general public.
- 25 2. Strengthens or improves the Florida Building Code,  
26 or in the case of innovation or new technology, will provide  
27 equivalent or better products or methods or systems of  
28 construction.
- 29 3. Does not discriminate against materials, products,  
30 methods, or systems of construction of demonstrated  
31 capabilities.

1           4. Does not degrade the effectiveness of the Florida  
2 Building Code.

3  
4 Amendments approved under this paragraph shall be adopted by  
5 rule pursuant to ss. 120.536(1) and 120.54.

6           (b) A proposed amendment shall include a fiscal impact  
7 statement which documents the costs and benefits of the  
8 proposed amendment. Criteria for the fiscal impact statement  
9 shall be established by rule by the commission and shall  
10 include the impact to local government relative to  
11 enforcement, the impact to property and building owners, as  
12 well as to industry, relative to the cost of compliance.

13           Section 11. Subsections (3) and (4) of section 553.74,  
14 Florida Statutes, 1998 Supplement, are amended to read:

15           553.74 Florida Building Commission.--

16           (3) Members of the commission ~~board~~ shall serve  
17 without compensation, but shall be entitled to reimbursement  
18 for per diem and travel expenses as provided by s. 112.061.

19           (4) Each appointed member is accountable to the  
20 Governor for the proper performance of the duties of the  
21 office. The Governor shall cause to be investigated any  
22 complaint or unfavorable report received concerning an action  
23 of the commission ~~board~~ or any member and shall take  
24 appropriate action thereon. The Governor may remove from  
25 office any appointed member for malfeasance, misfeasance,  
26 neglect of duty, incompetence, permanent inability to perform  
27 official duties, or pleading guilty or nolo contendere to, or  
28 being found guilty of, a felony.

29           Section 12. Effective January 1, 2001, paragraphs (d),  
30 (e), and (i) of subsection (1) of section 553.77, Florida  
31 Statutes, 1998 Supplement, as amended by section 46 of chapter

1 98-287, Laws of Florida, are amended, and paragraph (p) is  
2 added to said subsection, to read:

3 553.77 Specific powers of the commission.--

4 (1) The commission shall:

5 (d) Upon written application by any substantially  
6 affected person, a state agency, or a local enforcement  
7 agency, issue declaratory statements pursuant to s. 120.565  
8 relating to the interpretation, enforcement, administration,  
9 or modification by local governments of the Florida Building  
10 Code.

11 (e) When requested in writing by any substantially  
12 affected person, a state agency, or a local enforcing agency,  
13 shall issue declaratory statements pursuant to s. 120.565  
14 relating to this part, which shall apply prospectively only.  
15 Actions of the commission are subject to judicial review  
16 pursuant to s. 120.68.

17 (i) Determine the types of products requiring approval  
18 for local or statewide use and shall provide for the  
19 evaluation and approval of such products, materials, devices,  
20 and method of construction for statewide use. Evaluation and  
21 approval shall be by action of the commission or delegated  
22 pursuant to s. 553.842 ~~553.84~~. This paragraph does not apply  
23 to products approved by the State Fire Marshal.

24 (p) Upon the request of a private party or local  
25 enforcement agency, provide technical assistance and issue  
26 advisory opinions concerning both the technical and  
27 administrative provisions of the Florida Building Code.

28 Section 13. Subsection (2) of section 553.77, Florida  
29 Statutes, 1998 Supplement, is amended to read:

30 553.77 Specific powers of the commission.--

31

1           (2) Upon written application by a private party, a  
2 state agency, or a local enforcement agency, the commission  
3 may also:

4           (a) Provide for the testing of materials, devices, and  
5 method of construction.

6           (b) Appoint experts, consultants, technical advisers,  
7 and advisory committees for assistance and recommendations  
8 relating to the State Minimum Building Codes.

9           (c) Appoint an advisory committee consisting of at  
10 least five plumbing contractors licensed to do business in  
11 this state for assistance and recommendations relating to  
12 plumbing code interpretations, if the commission identifies  
13 the need for additional assistance in making decisions  
14 regarding the State Plumbing Code.

15           (d) Provide technical assistance and issue advisory  
16 opinions concerning both the technical and administrative  
17 provisions of the State Minimum Building Codes.

18           Section 14. Subsection (4) of section 553.141, Florida  
19 Statutes, is amended to read:

20           553.141 Public restrooms; ratio of facilities for men  
21 and women; application; rules.--

22           (4) The Florida Board of Building Commission Codes and  
23 ~~Standards~~ shall adopt rules to administer this section,  
24 pursuant to chapter 120.

25           Section 15. Section 553.503, Florida Statutes, is  
26 amended to read:

27           553.503 Adoption of guidelines.--Subject to the  
28 exceptions in s. 553.504, the federal Americans with  
29 Disabilities Act Accessibility Guidelines, as adopted by  
30 reference in 28 C.F.R., part 36, subparts A and D, and Title  
31 II of Pub. L. No. 101-336, are hereby adopted and incorporated

1 by reference as the law of this state. The guidelines shall  
2 establish the minimum standards for the accessibility of  
3 buildings and facilities built or altered within this state.  
4 The 1997 Florida Accessibility Code for Building Construction  
5 must be adopted by the Florida Board of Building Commission  
6 ~~Codes and Standards~~ in accordance with chapter 120.

7 Section 16. Section 553.506, Florida Statutes, is  
8 amended to read:

9 553.506 Powers of the commission board.--In addition  
10 to any other authority vested in the commission board by law,  
11 the Florida Board of Building Commission Codes and Standards,  
12 in implementing ss. 553.501-553.513, may, by rule, adopt  
13 revised and updated versions of the Americans with  
14 Disabilities Act Accessibility Guidelines in accordance with  
15 chapter 120.

16 Section 17. Section 553.512, Florida Statutes, is  
17 amended to read:

18 553.512 Modifications and waivers; advisory council.--

19 (1) The Florida ~~Board of Building Commission Codes and~~  
20 ~~Standards~~ shall provide by regulation criteria for granting  
21 individual modifications of, or exceptions from, the literal  
22 requirements of this part upon a determination of unnecessary,  
23 unreasonable, or extreme hardship, provided such waivers shall  
24 not violate federal accessibility laws and regulations and  
25 shall be reviewed by the Handicapped Accessibility Advisory  
26 Council consisting of the following seven members, who shall  
27 be knowledgeable in the area of handicapped accessibility.  
28 The Secretary of Community Affairs shall appoint the  
29 following: a representative from the Advocacy Center for  
30 Persons with Disabilities, Inc.; a representative from the  
31 Division of Blind Services; a representative from the Division

1 of Vocational Rehabilitation; a representative from a  
2 statewide organization representing the physically  
3 handicapped; a representative from the hearing impaired; a  
4 representative from the President, Florida Council of  
5 Handicapped Organizations; and a representative of the  
6 Paralyzed Veterans of America. The terms for the first three  
7 council members appointed subsequent to October 1, 1991, shall  
8 be for 4 years, the terms for the next two council members  
9 appointed shall be for 3 years, and the terms for the next two  
10 members shall be for 2 years. Thereafter, all council member  
11 appointments shall be for terms of 4 years. No council member  
12 shall serve more than two 4-year terms subsequent to October  
13 1, 1991. Any member of the council may be replaced by the  
14 secretary upon three unexcused absences. Upon application  
15 made in the form provided, an individual waiver or  
16 modification may be granted by the commission ~~board~~ so long as  
17 such modification or waiver is not in conflict with more  
18 stringent standards provided in another chapter.

19 (2) Members of the council shall serve without  
20 compensation, but shall be entitled to reimbursement for per  
21 diem and travel expenses as provided by s. 112.061.

22 (3) Meetings of the advisory council shall be held in  
23 conjunction with the regular meetings of the commission ~~board~~.

24 Section 18. Paragraph (b) of subsection (2) of section  
25 553.781, Florida Statutes, 1998 Supplement, is amended to  
26 read:

27 553.781 Licensee accountability.--

28 (2)

29 (b) If the licensee, certificateholder, or registrant  
30 disputes the violation within 30 days following notification  
31 by the local jurisdiction, the fine is abated and the local



1 jurisdiction shall report the dispute to the Department of  
2 Business and Professional Regulation or the appropriate  
3 professional licensing board for disciplinary investigation  
4 and final disposition. If an administrative complaint is filed  
5 by the department or the professional licensing board against  
6 the certificateholder or registrant, the commission may  
7 intervene in such proceeding. Any fine imposed by the  
8 department or the professional licensing board, pursuant to  
9 matters reported by the local jurisdiction to the department  
10 or the professional licensing board, shall be divided equally  
11 between the board and the local jurisdiction which reported  
12 the violation.

13 Section 19. Effective January 1, 2001, subsection (1)  
14 of section 553.80, Florida Statutes, 1998 Supplement, as  
15 amended by section 51 of chapter 98-287, Laws of Florida, is  
16 amended to read:

17 553.80 Enforcement.--

18 (1) It shall be the responsibility of each local  
19 government and each legally constituted enforcement district  
20 with statutory authority to regulate building construction to  
21 enforce the Florida Building Code required by this part on all  
22 public or private buildings, structures, and facilities~~;~~  
23 ~~unless such responsibility has been delegated to another unit~~  
24 ~~of government pursuant to s. 553.79(9)~~. The governing bodies  
25 of local governments may provide a schedule of fees, as  
26 authorized by s. 125.56(2) or s. 166.222 and this section, for  
27 the enforcement of the provisions of this part. Such fees  
28 shall be used solely for carrying out the local government's  
29 responsibilities in enforcing the Florida Building Code. The  
30 authority of state enforcing agencies to set fees for  
31 enforcement shall be derived from authority existing on the

1 effective date of this act. However, nothing contained in this  
2 subsection shall operate to limit such agencies from adjusting  
3 their fee schedule in conformance with existing authority.

4  
5 Nothing in this part shall be construed to authorize counties,  
6 municipalities, or code enforcement districts to conduct any  
7 permitting, plans review, or inspections not covered by the  
8 Florida Building Code. Any actions by counties or  
9 municipalities not in compliance with this part may be  
10 appealed to the Florida Building Commission. The commission,  
11 upon a determination that actions not in compliance with this  
12 part have delayed permitting or construction, may suspend the  
13 authority of a county, municipality, or code enforcement  
14 district to enforce the Florida Building Code on the  
15 buildings, structures, or facilities of a state university,  
16 state community college, or public school district and provide  
17 for code enforcement at the expense of the state university,  
18 state community college, or public school district.

19 Section 20. Subsections (3), (5), and (12) of section  
20 553.842, Florida Statutes, 1998 Supplement, are amended to  
21 read:

22 553.842 Product evaluation and approval.--

23 (3) Products, or methods, or systems of construction  
24 ~~required to be approved based upon a report and certified~~ by  
25 an approved product evaluation entity indicating compliance  
26 with the Florida Building Code ~~as complying with the standards~~  
27 ~~specified by the code~~ shall be permitted to be used statewide,  
28 without further evaluation or approval.

29 (5) Statewide and local approval of products or  
30 methods or systems of construction shall be achieved by:

31

1           (a) Issuance ~~Submittal and validation~~ of a complete  
2 product evaluation report from an approved product evaluation  
3 entity indicating the product or method or system of  
4 construction was tested to be in compliance with the Florida  
5 Building Code or with the intent of the Florida Building Code  
6 and the product or method or system of construction is, for  
7 the purpose intended, at least equivalent of that required by  
8 the Florida Building Code; or

9           (b) Submittal and validation of a complete product  
10 evaluation report or rational analysis which is signed and  
11 sealed by a professional engineer or architect, licensed in  
12 this state, who has no conflict of interest, as determined by  
13 national guidelines, who certifies that the product or method  
14 or system of construction is, for the purpose intended, at  
15 least equivalent of that required by the Florida Building  
16 Code. Any product approved under this procedure shall be  
17 required to be manufactured under a quality assurance program,  
18 certified by an approved product evaluation entity.

19           (12) Products reported to comply with the requirements  
20 of the Standard Building Code (1997 Edition) or the South  
21 Florida Building Code (Broward and Dade Edition) or otherwise  
22 certified or approved for statewide or local use by an  
23 approved product evaluation entity prior to the effective date  
24 of the Florida Building Code ~~this act~~ shall be deemed to be  
25 approved for use in this state pursuant to this section and to  
26 comply with this section until the expiration date of such  
27 approval or for no more than 2 years following the effective  
28 date of the Florida Building Code.

29  
30 For purposes of this section, an approved product evaluation  
31 entity is ~~an entity that has been accredited by~~ a nationally

1 recognized independent evaluation authority, including, but  
2 not limited to, the Southern Building Code Congress  
3 International, Evaluation Services; National Evaluation  
4 Services; the Building Officials Code Administration  
5 International, Evaluation Services; the International  
6 Conference of Building Officials, Evaluation Services; or  
7 other entity otherwise approved by the commission. Window  
8 protection products reported to comply with the requirements  
9 of the Standard Building Code (1997 Edition) or the South  
10 Florida Building Code (Broward and Dade Edition) or otherwise  
11 certified or approved for statewide or local use by an  
12 approved product evaluation entity must be included on all new  
13 schools. Although all new schools are not required to be  
14 designed as enhanced hurricane protection areas, all new  
15 schools must include window protection to further ensure their  
16 survivability.

17 Section 21. Effective January 1, 2001, subsection (6)  
18 of section 633.01, Florida Statutes, 1998 Supplement, as  
19 amended by chapters 98-200 and 98-287, Laws of Florida, is  
20 amended to read:

21 633.01 State Fire Marshal; powers and duties; rules.--  
22 (6) Only the State Fire Marshal may issue, and when  
23 requested in writing by any substantially affected person or a  
24 local enforcing agency, the State Fire Marshal shall issue ~~The~~  
25 ~~Department of Insurance shall issue, when requested in writing~~  
26 ~~by any substantially affected person or a local enforcing~~  
27 ~~agency,~~ declaratory statements pursuant to s. 120.565 relating  
28 to the Florida Fire Prevention Code and the Life Safety Code.  
29 Such declaratory statements shall apply prospectively, except  
30 whenever the State Fire Marshal determines that a serious  
31 threat to life exists that warrants retroactive application.

1           Section 22. Effective January 1, 2001, subsections  
2 (1), (2), (3), (4), and (5) of section 633.0215, Florida  
3 Statutes, 1998 Supplement, as created by section 59 of chapter  
4 98-287, Laws of Florida, are amended and new subsections (7)  
5 and (8) are added to read:

6           633.0215 Florida Fire Prevention Code.--

7           (1) The State Fire Marshal ~~department~~ shall adopt, by  
8 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
9 Prevention Code which shall contain or incorporate by  
10 reference all firesafety laws and rules that pertain to and  
11 govern the design, construction, erection, alteration,  
12 modification, repair, and demolition of public and private  
13 buildings, structures, and facilities and the enforcement of  
14 such firesafety laws and rules.

15           (2) The State Fire Marshal ~~department~~ shall adopt the  
16 National Fire Protection Association's Standard 1, Fire  
17 Prevention Code. The State Fire Marshal ~~department~~ shall  
18 adopt the Life Safety Code, Pamphlet 101, current editions, by  
19 reference. The State Fire Marshal ~~department~~ may modify the  
20 selected codes and standards as needed to accommodate the  
21 specific needs of the state. Standards or criteria in the  
22 selected codes shall be similarly incorporated by reference.  
23 The State Fire Marshal ~~department~~ shall incorporate within  
24 sections of the Florida Fire Prevention Code provisions that  
25 address uniform firesafety standards as established in s.  
26 633.022. The State Fire Marshal ~~department~~ shall incorporate  
27 within sections of the Florida Fire Prevention Code provisions  
28 addressing regional and local concerns and variations.

29           (3) Any local amendment to the Florida Fire Prevention  
30 Code adopted by a local government shall be effective only  
31 until the adoption by the department of the new edition of the

1 Florida Fire Prevention Code, which shall be every third year.  
2 At such time, the State Fire Marshal ~~department~~ shall adopt  
3 such amendment as part of the Florida Fire Prevention Code or  
4 rescind the amendment. The State Fire Marshal ~~department~~  
5 shall immediately notify the respective local government of  
6 the rescission of the amendment. After receiving such notice,  
7 the respective local government may readopt the rescinded  
8 amendment. Incorporation of local amendments as regional and  
9 local concerns and variations shall be considered as adoption  
10 of an amendment pursuant to this part. Notwithstanding other  
11 state or local building and construction code laws to the  
12 contrary, locally adopted fire code requirements that were in  
13 existence on the effective date of this section shall be  
14 deemed local variations of the Florida Fire Prevention Code  
15 until the State Fire Marshal ~~department~~ takes action to adopt  
16 or rescind such requirements as provided herein, and such  
17 action shall take place no later than January 1, 2001.

18 (4) The State Fire Marshal ~~department~~ shall update, by  
19 rule adopted pursuant to ss. 120.536(1) and 120.54, the  
20 Florida Fire Prevention Code every 3 years. Once initially  
21 adopted and subsequently updated by the department, the  
22 Florida Fire Prevention Code and the Life Safety Code shall be  
23 adopted for use statewide without adoptions by local  
24 governments. When updating the Florida Fire Prevention Code  
25 and the most recent edition of the Life Safety Code, the State  
26 Fire Marshal ~~department~~ shall consider changes made by the  
27 national model fire codes incorporated into the Florida Fire  
28 Prevention Code, the State Fire Marshal's ~~department's~~ own  
29 interpretations, declaratory statements, appellate decisions,  
30 and approved statewide and local technical amendments.

31

1           (5) The State Fire Marshal ~~department~~ may approve  
2 technical amendments notwithstanding the 3-year update cycle  
3 of the Florida Fire Prevention Code upon finding that a threat  
4 to life exists that would warrant such action, subject to  
5 chapter 120.

6           (6) The Florida Fire Prevention Code does not apply  
7 to, and no code enforcement action shall be brought with  
8 respect to, zoning requirements or land use requirements.  
9 Additionally, a local code enforcement agency may not  
10 administer or enforce the Florida Fire Prevention Code to  
11 prevent the siting of any publicly owned facility, including,  
12 but not limited to, correctional facilities, juvenile justice  
13 facilities, or state universities, community colleges, or  
14 public education facilities. This section shall not be  
15 construed to prohibit local government from imposing built-in  
16 fire protection systems or fire-related infrastructure  
17 requirements needed to properly protect the intended facility.

18           (7) Any local amendment adopted by a local government  
19 must strengthen the requirements of the minimum firesafety  
20 code.

21           (8) Any local amendment adopted by a local government  
22 must be transmitted within 30 days by the adopting local  
23 government to the Florida Building Commission.

24           (9) The State Fire Marshal shall have the authority to  
25 make rules that implement this section, s. 633.01, and s.  
26 633.025, for the purpose of accomplishing the objectives as  
27 set forth therein.

28           Section 23. Effective January 1, 2001, subsections  
29 (1), (3), (4), (8), and (9) of section 633.025, Florida  
30 Statutes, 1998 Supplement, as amended by section 59 of chapter  
31 98-287, Laws of Florida, are amended to read:

1           633.025 Minimum firesafety standards.--

2           (1) The Florida Fire Prevention Code and the Life  
3 Safety Code adopted by the State Fire Marshal ~~Department of~~  
4 ~~Insurance~~, which shall operate in conjunction with the Florida  
5 Building Code, shall be deemed adopted by each municipality,  
6 county, and special district with firesafety responsibilities.  
7 The minimum firesafety codes shall not apply to buildings and  
8 structures subject to the uniform firesafety standards under  
9 s. 633.022 and buildings and structures subject to the minimum  
10 firesafety standards adopted pursuant to s. 394.879.

11           (3) The most current edition of the National Fire  
12 Protection Association (NFPA) 101, Life Safety Code, adopted  
13 by the State Fire Marshal ~~Department of Insurance~~, shall be  
14 deemed to be adopted by each municipality, county, and special  
15 district with firesafety responsibilities as part of the  
16 minimum firesafety code.

17           (4) Such codes shall be minimum codes and a  
18 municipality, county, or special district with firesafety  
19 responsibilities may adopt more stringent firesafety  
20 standards, subject to the requirements of this subsection.  
21 Such county, municipality, or special district may establish  
22 alternative requirements to those requirements which are  
23 required under the minimum firesafety standards on a  
24 case-by-case basis, in order to meet special situations  
25 arising from historic, geographic, or unusual conditions, if  
26 the alternative requirements result in a level of protection  
27 to life, safety, or property equal to or greater than the  
28 applicable minimum firesafety standards. For the purpose of  
29 this subsection, the term "historic" means that the building  
30 or structure is listed on the National Register of Historic  
31 Places of the United States Department of the Interior.



1 (a) The local governing body shall determine,  
2 following a public hearing which has been advertised in a  
3 newspaper of general circulation at least 10 days before the  
4 hearing, if there is a need to strengthen the requirements of  
5 the minimum firesafety code adopted by such governing body.  
6 The determination must be based upon a review of local  
7 conditions by the local governing body, which review  
8 demonstrates that local conditions justify more stringent  
9 requirements than those specified in the minimum firesafety  
10 code for the protection of life and property or justify  
11 requirements that meet special situations arising from  
12 historic, geographic, or unusual conditions.

13 (b) Such additional requirements shall not be  
14 discriminatory as to materials, products, or construction  
15 techniques of demonstrated capabilities.

16 (c) Paragraphs (a) and (b) apply solely to the local  
17 enforcing agency's adoption of requirements more stringent  
18 than those specified in the Florida Fire Prevention Code and  
19 the Life Safety Code that have the effect of amending building  
20 construction standards. Upon request, the enforcing agency  
21 shall provide a person making application for a building  
22 permit, or any state agency or board with construction-related  
23 regulation responsibilities, a listing of all such  
24 requirements and codes.

25 (d) A local government which adopts amendments to the  
26 minimum firesafety code must provide a procedure by which the  
27 validity of such amendments may be challenged by any  
28 substantially affected party to test the amendment's  
29 compliance with the provisions of this section.

30 1. Unless the local government agrees to stay  
31 enforcement of the amendment, or other good cause is shown,

1 the challenging party shall be entitled to a hearing on the  
2 challenge within 45 days.

3           2. For purposes of such challenge, the burden of proof  
4 shall be on the challenging party, but the amendment shall not  
5 be presumed to be valid or invalid.

6  
7 A substantially affected person may appeal, to the State Fire  
8 Marshal Department of Insurance, the local government's  
9 resolution of the challenge, and the department shall  
10 determine if the amendment complies with this section. Actions  
11 of the State Fire Marshal department are subject to judicial  
12 review pursuant to s. 120.68. The State Fire Marshal  
13 department shall consider reports of the Florida Building  
14 Commission, pursuant to part VII of chapter 533, when  
15 evaluating building code enforcement.

16           (8) Electrically Battery operated single station smoke  
17 detectors required shall be considered as an approved  
18 detection device for residential buildings shall not be  
19 required to be interconnected within individual living units  
20 in all buildings having direct access to the outside from each  
21 living unit and having three stories or less. This subsection  
22 shall not apply to any residential building required to have a  
23 manual or automatic fire alarm system.

24           (9) The provisions of the Life Safety Code shall not  
25 apply to newly constructed one-family and two-family  
26 dwellings. However, fire sprinkler protection may be  
27 permitted by local government in lieu of other fire  
28 protection-related development requirements for in such  
29 structures.

30           Section 24. The Florida Building Commission shall  
31 conduct research regarding private sector assistance with the

1 plans review and inspection functions of local government  
2 building departments. Such study shall include:

3 (1) A survey of the extent to which building  
4 departments comply with the provisions of section 553.79(14),  
5 Florida Statutes, for the issuance of building permits and the  
6 reasons, if any, for noncompliance. The survey shall consider  
7 regional and other significant patterns affecting the building  
8 permit issuance process;

9 (2) Inventory of local jurisdictions which have  
10 exercised the current statutory option, pursuant to section  
11 468.617, Florida Statutes, to use private inspectors;

12 (3) Survey of the experience of local jurisdictions in  
13 regards to the impacts of privatization, including fiscal,  
14 administrative, and health, safety and welfare impacts; and

15 (4) Survey of the experience of other states with  
16 privatizing building department plans review and inspection  
17 functions.

18  
19 The Florida Building Commission shall analyze and evaluate the  
20 advantages and disadvantages of privatizing plans review and  
21 inspection functions and recommend whether privatization  
22 should be mandatory, and if so, when and under what  
23 circumstances and in what manner such privatization should be  
24 implemented. Staff from the Legislative Committee on  
25 Intergovernmental Relations shall provide technical assistance  
26 to the Florida Building Commission regarding paragraphs  
27 (1)-(4) of this section. The Commission shall present a  
28 report and recommendations to the Legislature by January 15,  
29 2000.

30 Section 25. Section 68 of chapter 98-287, Laws of  
31 Florida, is amended to read:

1           Section 68. Effective January 1, 2001, or upon the  
2 resolution of an administrative challenge to the rule adopted  
3 by the Florida Building Commission pursuant to s. 120.56(2)  
4 adopting the Florida Building Code approval by the Legislature  
5 of the adoption of the Florida Building Code by the Florida  
6 Building Commission, parts I, II, and III of chapter 553,  
7 Florida Statutes, consisting of sections 553.01, 553.02,  
8 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08,  
9 553.10, 553.11, 553.14, 553.15, 553.16, 553.17, 553.18,  
10 553.19, 553.20, 553.21, 553.22, 553.23, 553.24, 553.25,  
11 553.26, 553.27, and 553.28, Florida Statutes, are repealed and  
12 section 553.141, Florida Statutes, is transferred and  
13 renumbered as section 553.86, Florida Statutes.

14           Section 26. Subsection (3) of section 471.017, Florida  
15 Statutes, 1998 Supplement, and subsection (7) of section  
16 489.513, Florida Statutes, 1998 Supplement, are repealed.

17           Section 27. Subsection (3) of section 553.841, Florida  
18 Statutes, 1998 Supplement, is amended to read:

19           553.841 Building code training program; participant  
20 competency requirements.--

21           (3) The program shall be developed, implemented, and  
22 administered by the commission in consultation with the  
23 Department of Education, the Department of Community Affairs,  
24 the Department of Business and Professional Regulation, the  
25 State University System, the Building Officials Association of  
26 Florida, the State Fire Marshal, and the Division of Community  
27 Colleges.

28           Section 28. Section 553.19, Florida Statutes, 1998  
29 Supplement, is amended to read:

30           553.19 Adoption of electrical and alarm  
31 standards.--For the purpose of establishing minimum electrical

1 and alarm standards in this state, the current edition of the  
2 following standards are adopted:

3 (1) "National Electrical Code," NFPA No. 70.  
4 (2) Underwriters' Laboratories, Inc., "Standards for  
5 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL  
6 57 and UL 153.

7 (3) Underwriters' Laboratories, Inc., "Standard for  
8 Electric Signs," UL 48.

9 (4) The provisions of the following which prescribe  
10 minimum electrical and alarm standards:

11 (a) NFPA No. 56A, "Inhalation Anesthetics."

12 (b) NFPA No. 56B, "Respiratory Therapy."

13 (c) NFPA No. 56C, "Laboratories in Health-related  
14 Institutions."

15 (d) NFPA No. 56D, "Hyperbaric Facilities."

16 (e) NFPA No. 56F, "Nonflammable Medical Gas Systems."

17 (f) NFPA No. 72, "National Fire Alarm Code."

18 (g) NFPA No. 76A, "Essential Electrical Systems for  
19 Health Care Facilities."

20 (5) The rules and regulations of the Agency for Health  
21 Care Administration ~~Department of Health~~, entitled "Nursing  
22 Homes and Related Facilities Licensure."

23 (6) The minimum standards for grounding of portable  
24 electric equipment, chapter 8C-27 as recommended by the  
25 Industrial Standards Section, Division of Workers'  
26 Compensation, Department of Labor and Employment Security.

27

28 The Florida Building Commission shall update and maintain such  
29 electrical standards consistent with the procedures  
30 established in s. 553.73.

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1           Section 29. (1) The select committee to investigate  
2 and establish firesafety evaluation system criteria for the  
3 cost-effective application of fire codes and fire code  
4 alternatives for existing educational facilities which was  
5 established by chapter 98-287, Laws of Florida, is authorized  
6 to continue its work. Committee appointment authority  
7 established in chapter 98-287, Laws of Florida, continues even  
8 if any position on the select committee becomes vacant.  
9 Members of the committee shall serve at their own expense  
10 except that state employees shall be reimbursed from existing  
11 budgets for travel costs incurred.

12           (2) The sum of \$80,000 is allocated from the Insurance  
13 Commissioner's Regulatory Trust Fund to the Division of State  
14 Fire Marshal for the purposes of providing training and  
15 education on the application of the firesafety evaluation  
16 system for existing educational facilities to those impacted  
17 by its use. The Division of State Fire Marshal shall cause the  
18 firesafety evaluation system for educational facilities to be  
19 reviewed for inclusion in the Florida Fire Prevention Code as  
20 an acceptable alternative to code compliance.

21           Section 30. Except as otherwise provided in this act,  
22 this act shall take effect upon becoming a law.  
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